

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Net Contents One Pint," "Net Contents One Quart," and "Net Contents Two Quarts," borne on the respective-sized cans containing the said article, were false and misleading in that they represented that each of the said cans contained 1 pint, 1 quart, or 2 quarts net of the article, as the case might be, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said cans contained 1 pint, 1 quart, or 2 quarts net of the said article, as the case might be, whereas the said cans did not contain the amounts declared on the labels but did contain less amounts. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On October 26, 1923, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$200.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11957. Misbranding of olive oil. U. S. v. James Mallars, Harry Kokenes, Thomas Kokenes, and Samuel T. Mallars (Nasiacos Importing Co.). Plea of guilty. Fine, \$200. (F. & D. No. 16413. I. S. Nos. 3593-t, 9452-t, 13891-t, 13892-t, 14110-t.)

On July 1, 1923, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against James Mallars, Harry Kokenes, Thomas Kokenes, and Samuel T. Mallars, copartners, trading as the Nasiacos Importing Co., Chicago, Ill., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, from the State of Illinois, in various consignments, namely, on or about October 29, 1921, into the State of Colorado, on or about December 10, 1921, into the State of Minnesota, on or about December 13, 1921, into the State of South Carolina, and on or about January 11, 1922, into the State of Wyoming, of quantities of olive oil which was misbranded. A portion of the article was labeled in part: "Contents 1/4 Gallon * * * Athlete Brand Pure Olive Oil * * * Nasiacos Importing Co., Chicago, Ill.;" Athlete Brand * * * Pure Olive Oil Contents 1/8 Gallon * * * Nasiacos Importing Co., Chicago." The remainder of the article was labeled in part: (Can) "Athlete Club * * * Guaranteed Finest Quality Pure Olive Oil Contents 1/2 Gallon."

Examination by the Bureau of Chemistry of this department of samples taken from each of the consignments showed that the said cans contained less than the quantities declared on the labels.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Contents 1/4 Gallon," "Contents 1/8 Gallon," and "Contents 1/2 Gallon," borne on the respective-sized cans containing the said article, were false and misleading in that they represented that each of the said cans contained one-quarter gallon, one-eighth gallon, or one-half gallon of the article, as the case might be, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said cans contained one-quarter gallon, one-eighth gallon, or one-half gallon of the article, as the case might be, whereas each of the said cans did not contain the amount declared on the label thereof but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On October 26, 1923, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$200.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11958. Adulteration and misbranding of butter. U. S. v. Armour & Co., a Corporation. Plea of nolo contendere. Fine, \$180. (F. & D. No. 17520. I. S. Nos. 8124-v, 8676-v, 8680-v, 8681-v, 8683-v, 8684-v, 8689-v.)

On October 9, 1923, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Armour & Co., a corporation, trading at San Francisco, Calif., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, in various consignments, namely, on or about February 14, 16, 20 (three consignments), and 27, and March 7, 1923, respectively, from the State of California into the Territory of Hawaii, of quantities of butter, a portion of which